

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW D. WEBB, SR.,

Plaintiff,

CIVIL ACTION NO. 08-CV-14753-DT

vs.

DISTRICT JUDGE BERNARD A. FRIEDMAN

**DEUTSCHE BANK,
et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

**OPINION AND ORDER GRANTING DEFENDANTS' AMENDED MOTION TO
COMPEL ANSWERS TO DISCOVERY**

This matter comes before the Court on Defendants' Amended Motion to Compel Answers to Discovery. (Docket no. 15). Plaintiff has not responded, and the time for responding has now expired. (Docket no. 17). The parties have filed a Joint Statement of Resolved/Unresolved Issues. (Docket no. 18). This matter was referred to the undersigned for decision. (Docket no. 16). This Court originally set this motion for hearing. (Docket no. 17). However, because Plaintiff has not responded to the motion and fails to offer any argument in the Joint Statement, the Court has cancelled the hearing and will rule based on the record. This matter is therefore now ready for ruling.

Plaintiff filed this action alleging violations of various federal statutes in connection with a mortgage loan. (Docket no. 1). Defendants served Plaintiff's counsel with their First Set of Interrogatories and Requests for Production of Documents on March 11, 2009. (Docket no. 15 ex. 1). Defendants contend, and Plaintiff has not shown otherwise, that Plaintiff has not answered or

otherwise responded to these discovery requests. (Docket no. 15). Defendants' counsel sent a letter to Plaintiff's counsel on April 14, 2009 attempting to obtain this discovery to no avail. (*Id.* ex. 2). Defendants therefore move under Fed. R. Civ. P. 37 for an order compelling Plaintiff to respond to the discovery within 7 days as well as payment of their costs and attorney's fees. (*Id.*).

Rule 37(a)(3)(B), Fed. R. Civ. P., allows a party seeking discovery to move for an order compelling an answer to an interrogatory or the production of documents. If the motion is granted, Rule 37(a)(5) provides that the court must order payment of the reasonable expenses incurred in making the motion, including attorney's fees, unless the nondisclosure was substantially justified or the movant filed the motion before attempting to obtain the discovery without court action.

By failing to respond in any way to this motion, Plaintiff has failed to show why this Court should not order him to fully and completely respond to the discovery served upon him. In addition, Plaintiff has not shown that his failure to respond to the discovery was substantially justified. Finally, Defendants show that they attempted to resolve this matter without court action, but Plaintiff failed to respond. Accordingly, Defendants' motion will be granted, and Plaintiff must pay Defendants their reasonable expenses incurred in making this motion, including attorney's fees.

IT IS THEREFORE ORDERED that Defendants' Motion to Compel (docket no. 15) is **GRANTED**, and that Plaintiff fully and completely, without objection, respond to Defendants' Interrogatories and Requests for Production of Documents served on March 11, 2009, on or before July 13, 2009.

IT IS FURTHER ORDERED that on or before July 20, 2009 Defendants' counsel advise Plaintiff's counsel of the reasonable expenses, including attorney's fees, they incurred in making this motion, and that Plaintiff pay that amount to Defendants' counsel on or before July 27, 2009.

If the parties cannot agree on the total amount of reasonable expenses, they must submit a joint statement to the Court on the issue, and the Court will determine the amount.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: June 30, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: June 30, 2009

s/ Lisa C. Bartlett
Courtroom Deputy